

## HANOVER PLANNING BOARD



*AUGUST 7<sup>TH</sup>, 2006*

### **MINUTES OF MEETING**

At 6:50 P.M., the Chairman Peter Moll called to order the August 7, 2006 meeting of the Hanover Planning Board. Peter Moll, Rich Deluca, Brian Connolly, Maryann Brugnoli and Gary Hendershot were present. Associate members Bernie Campbell and Steve Rusko were also present. Town Planner, Andrew Port was also present. The Board reviewed the minutes of the July 24, 2006 meeting. Maryann motioned to accept the July 24<sup>th</sup> minutes as amended. Gary seconded the motion and it was so voted unanimously.

### **PUBLIC HEARINGS**

#### **Bank of America – 1764 Washington Street – PB06-26SP**

At 7:25 p.m. the Chairman opened the continued hearing. Gary Hendershot read a notice from Capt. Stone of the Fire Dept. dated July 20, 2006 into record. The Town Planner went over the draft decision and the special conditions. Dave Nyman of ENSR indicated that his issues had been addressed by the applicant and he was satisfied with the revised landscaping plan as long as the Board didn't have any problem with it. The Board suggested adding a special condition that would require site inspections during construction to ascertain that the landscaping is being done appropriately at the sides of the property. They then discussed the drive through section. Maryann was concerned that the area leading up to the drive through window was not wide enough to accommodate the queuing that could occur. The applicant asked for a waiver to allow for a reduction from the 15 feet per window that is required in Section 9.030 of the Zoning Bylaws to 8.5 feet per window. They also requested a waiver from the 50 foot length of the access and egress from the drive through window. Maryann made the motion to grant the waiver of the lane width. Rich seconded the motion and it was so voted unanimously. Rich then made the motion to grant the waiver of the 50 foot access and egress. Maryann seconded the motion and it was so voted 4-1. The Board then discussed and determined the eight (8) special conditions for the decision. Maryann made the motion to close the public hearing. Rich seconded the motion and it was so voted unanimously.

#### **222 Webster Street – PB07-1SP**

The Chairman opened the hearing at 8:15 p.m. Gary read the public hearing notice into record. The applicant had requested a continuance. Maryann motioned to grant a continuance to Monday October 16, 2006 at 8:00 p.m. Gary seconded the motion and it was so voted unanimously. The Board also held aside the date of November 13, 2006 at 7:00 p.m. in the event that the hearing needs to be continued further.

#### **Village Commons – VPUD – PB07-2LSP**

The Chairman opened the hearing at 8:53 p.m. Gary read the public hearing notice into record. He then read a memo from Capt. Stone of the Fire Dept. Peter went over the letter from Victor Diniak of the DPW and summarized it for the audience. The Town Planner explained that he still had some issues with the project including the wastewater treatment plant, the clubhouse and what the use of it will be, and the traffic. Deb Keller from McKenzie Engineering was present and introduced the applicants. Jim Rodriquez, Jim O'Brien and Bob Tombari. She went over the plans and explained that there was no change from the original layout and infrastructure of the original PRDS filing. She then went over the calculations for the wastewater treatment plant and the amount of gallons that were anticipated and indicated that they met the DEP regulations. She also informed the Board that they were expecting the permit from DEP to arrive very shortly. Jerry Cohen, a former member of the Board of Health questioned the calculations and asked for clarification. The Board explained the calculations and Dave Nyman of ENSR told the Board that his calculations matched the applicants very closely.

Dick Matthews of Donna Drive asked if the proposed units would have basements. He was concerned that items stored by the residents may pose a hazard to the Aquifer Protection District. Mr. O'Brien told the Board that there would be basements in the units but that the residents would not store anything different than in a single family home and that the homeowners would be restricted by covenants and would not be allowed to store anything that was outside of the zoning bylaws. Brian discussed the possibility of retaining some of the units for strictly 55 and over use or for affordable units. Mr. O'Brien indicated that the lenders are not favorable to any 55 and over age restrictions at this time. He and Mr. Rodriguez explained that this project would offer more alternative housing to the residents of Hanover. Mike Abend, the traffic engineer for the applicant gave a brief overview of his traffic study. Peter Vasilou of Edwards and Kelcey, the engineer for the Town told the Board that his calculations matched Mr. Abend's and he agreed with his study. Rich then brought up the issue of doing a traffic study of the whole project including the Village Park which has not been proposed yet. He wondered if the Village Commons project could be classified as a VPUD if it didn't include any commercial development. Mr. O'Brien responded by telling the Board that he felt the Community Center on the site would qualify it as a VPUD because it could be rented out as a function hall. Mr. Abend told the Board that the random use of the Community Center for different functions would not impact the traffic study. They discussed the uses of the Community Center and determined that the center would be under the control of the Condominium Association and that they could determine whether or not they wanted to rent it out. The Town Planner told the Board that per a memo from Capt. Stone of the Fire Dept. she would want to have it spelled out as to what the uses of the Community Center would be. Mike Cianciolla of the School Committee asked what number of new students may be generated by the development. Mr. O'Brien indicated that no actual study had been done but that from looking at other communities' studies of similar projects they felt that there would possibly be only 15 – 18 school age children added as a result of the project. There was also some discussion of where the school busses would pick up the children. Maryann explained that that would be determined by the developer and the superintendent of schools. Selectman Dan Pallotta, of Old Forge Road spoke about the density of the project. He felt that the applicant could have gotten more use out of the site. He felt that this project could have generated more tax income for the Town if the applicant had added more units. The Board explained that they were expecting the applicant to come in with a plan for the site to the north that would include a mixed use village. Peter felt that the applicant has done a good job in preserving open space, allowing density and offering the town some alternatively priced residences. Al Rugman of the Board of Selectmen also commended the applicant on the development of the site and the Board for all of the hard work they have put in to bring the project to fruition. Rich made a motion to close the hearing. Gary seconded the motion and it was so voted unanimously. Maryann and Bernie were ineligible to vote on the project. Steve voted in place of Maryann.

#### **SIGNING OF LOT RELEASES, FORM A'S, DECISIONS, AND BILLS**

The Board reviewed and discussed ANR plan PB07 – 3A for 854-868 Broadway. Maryann motioned to endorse the plan. Rich seconded the motion and it was so voted unanimously.

The Board reviewed and discussed ANR plan PB07 – 4A for 868-876 Broadway. Gary motioned to endorse the plan. Maryann seconded the motion and it was so voted unanimously.

The Board endorsed the Mylar plans for the Great Acres Definitive Subdivision PB06-7C and the Chairman endorsed the decision for the subdivision. The twenty day appeal period had expired without any appeal being taken.

The Board endorsed a lot release for lots 1 – 6 at Elijah's Path Definitive Subdivision PB05-09C. They required a \$60,000 Guaranteed Deposit from the Applicant.

Gary made a motion to refund the balance of the consultant review fund for Oak Hill Estates to the applicant. Maryann seconded the motion and it was so voted unanimously.

Gary made a motion to refund the balance of the consultant review fund for Sunset Point (formerly Indian Head Lane) Definitive Subdivision to the applicant. Bernie seconded the motion and it was so voted unanimously.

The Board went over the special conditions for the decisions for McDonald's at 1392 Washington Street – PB06-23SP and decided to file the decision with the Town Clerk.

The Board went over the special conditions for the decisions for Cri-Tech at 85 Winter Street – PB06-21SP and decided to file the decision with the Town Clerk.

The Board discussed the decision for River Path Definitive Subdivision off of Water Street – PB06- 15C and decided to file the decision with the Town Clerk.

### **OTHER BUSINESS**

The Board reviewed a request from David Johnson of P.M.P. Associates for a Limited Site Plan Review for property at 1363 Washington Street. The owner, Chris Pongratz proposes a 900 square foot addition to the cellular phone store on the property. They indicated that there would be no change to the site plan that was previously approved by the Planning Board with the exception of the removal of a small area of pavement and the relocation of curbing. They asked for a waiver of the consultant review fee. The Board asked the applicant if he had any intention of constructing a cell tower on the property. Mr. Pongratz said that he had no intention of putting a cell tower on the property and that it would be used only as a retail store. Maryann made a motion to grant the Limited Site Plan review and waive the consultant review fees. Rich seconded the motion and it was so voted unanimously. The Board then had some further discussion about the impact of the new roof runoff. Maryann then motioned to accept the Limited Site plan but investigate the need for a limited review by ENSR to assure that the runoff would be captured. After further discussion Rich ascertained that the engineer for the applicant would be putting his stamp on the plan indicating that the runoff from the roof drain would be captured. Peter clarified the motion further to include investigation of the possibility of a limited review by ENSR which would cost the applicant some unknown dollar amount. He called for the vote and it was defeated unanimously. The applicant was granted a Limited Site Plan Review and the Consultant Review fees were waived.

The Board reviewed a request for a Limited Site Plan review for 199 Winter Street. Eric Kent from KentFab presented the Board with photos of the site and indicated that there would be no change to the site. They wanted to move their facility into the already existing building. The Board questioned them about the traffic on the site and the applicant stated that he felt there would be no increase in traffic. Brian made a motion to grant the Limited Site Plan review as requested. Maryann seconded the motion and it was so voted unanimously. The Board set aside a date of October 16, 2006 at 8:45 p.m. to hold the public hearing pending receipt of their application.

At 10:20 p.m. Maryann made a motion to go into Executive Session. Rich seconded the motion and the Board voted in the following manner:

Peter – Yes

Gary- Yes

Rich – Yes

Maryann – Yes

Brian – Yes

Bernie – Yes

Steve – Yes

The Board went into Executive Session to discuss a personal matter.

At 10:30 p.m. Rich made the motion to leave Executive Session. Steve seconded the motion and the Board voted in the following manner:

Peter – Yes  
Gary- Yes  
Rich – Yes  
Maryann – Yes  
Brian – Yes  
Bernie – Yes  
Steve – Yes

The Board discussed a request from Mr. Chris Fisher for a Limited Site Plan review for a modification to the building at 785R Washington Street. Maryann made a motion to grant the Limited Site Plan Review and waive the fees for the applicant. Rich seconded the motion and it was so voted unanimously. The Board set aside September 11, 2006 at 8:30 p.m. for the hearing.

The Board discussed a request from Frank Cheverie to reposition the street layout for the Definitive Subdivision at 208 Cross Street approximately 5 feet within the right of way to preserve a large tree. The Board determined that Mr. Cheverie would need to have a public hearing for a modification to the site plan.

The Board discussed a request from Chris Iannuzzi of Daylor Consulting Group to allow a slight modification to the YMCA Site Plan/ Special Permit PB06-10SP to allow the removal of a landscape island from the proposed plan. Gary motioned to allow the minor modification without further Site plan review or public hearing. Maryann seconded the motion. Peter then asked for further discussion. Maryann amended the motion by clarifying that the modification was to the existing plan and that the landscaping island had not been constructed yet. Peter asked for a vote and the amended motion was so voted unanimously.

The Board discussed the Special Permit #6 from the decision for the Elms Modification PB02-6SPM which refers to the landscape buffer between Cushing Hill Road and Road “E” on the approved plan. The Town Planner asked the Board to inspect the area to ensure that there was an adequate buffer since the completion of the site clearing activities. The Board decided to inspect the site and discuss it further at the September 11, 2006 meeting.

The Board reviewed a request from Kenneth Teebagy to change from corrugated metal pipe to a reinforced concrete pipe to be used in the 24” wildlife culvert on the plans for Sunset Point Definitive Subdivision (formerly known as Indian Head Lane) PB04-26C. Maryann made the motion to approve the minor modification to the plan. Gary seconded the motion and it was so voted unanimously.

The Board discussed a memo from the Town Planner to Mr. Paul Ricciardi concerning the Absolom Woods Definitive subdivision. Mr. Ricciardi had been given an extension of the completion date for this project until July 31, 2006. The Town Planner indicated that Mr. Ricciardi has still failed to complete the subdivision roadway and had advised him to send a letter to the Board indicating a definite date of completion and a list of work needed to complete the project. Mr. Ricciardi has failed to produce such a letter for the Board. The Board expressed their concern with Mr. Ricciardi’s credibility in respect to this project and also stated that they were unimpressed with his performance. They directed the Town Planner to send one more letter to Mr. Ricciardi to let him know that they were prepared to withhold the guaranteed funds available to complete the project.

## **APPOINTMENTS**

The Board met with the developers from the Berkshire Estates Subdivision off of Union Street to discuss the trees that were cleared on the site. The Town Planner went over the plan that the applicant had sent to him and to Kurt McLean, the Town’s Tree Warden. The Town Planner recommended that the applicant submit a check for \$14,000.00 as a guarantee for the new trees. Mike Stevens, the developer, agreed to the amount. Kurt

McLean was present and told the Board that he was satisfied with the plan and the guaranteed deposit amount. He also informed the Board that he felt it could take up to six years for the new trees to become established on the site. The Chairman suggested that the Tree Warden and the Town Planner get together with the developer to determine the best time to plant the trees and the best placement for them. There was some discussion about the terminology used by the developer concerning the width of the trees to be planted. The Tree Warden asked that they use Diameter at Breast Height instead of caliper to determine the width. Gene Beaupre, an abutter was unhappy with the upkeep of the site during the construction. He said that the developer was not sweeping the dirt and debris off the street. Mike Stevens agreed to sweep the street. Maryann then made a motion to accept the revised plan with an additional 3" caliper tree and to accept the \$14,000.00 escrow amount. Rich seconded the motion and there was further discussion. Kurt McLean asked that the measurement for the trees be changed to DBH instead of caliper. Maryann then amended the motion to accept the plan as long as the language was changed to include DBH as the measurement. Brian seconded the motion and it was so voted unanimously.

Maryann motioned to adjourn at 11:30 p.m. Rich seconded the motion and it was so voted unanimously.

**Meeting was adjourned at 11:30 p.m.**

Respectfully Submitted,  
Margaret Hoffman  
**PLANNING BOARD SECRETARY**